

## **REMARKS**

Applicant respectfully requests reconsideration of this application. Claims 1-27 are currently pending. Claims 1-4, 16, and 21 have been amended. No claims have been cancelled. Claims 28-31 have been added. Therefore, claims 1-31 are now presented for examination.

### **35 U.S.C. §102 Rejection**

#### **Stewart, et al.**

The Examiner rejected claims 1-27 under 35 U.S.C. 102(e) as being anticipated over U.S Patent 6,259,405 of Stewart, et al. (hereinafter referred to as "Stewart").

As amended herein, claim 1 reads as follows:

1. A method comprising:

broadcasting a synchronization signal from a wireless access point device indicating one of a plurality of modes of operation for the access point, the plurality of modes of operation including a private mode of operation for authorized devices and a public mode of operation for authorized or non-authorized devices;

broadcasting available public network services if the mode of operation is the public mode of operation;

receiving a request for establishment of a connection from a non-authorized device in response to the broadcast of a synchronization signal for the public mode of operation; and

establishing a connection between the non-authorized mobile device and the access point device.

Claim 1 has been modified for clarification. Applicant submits that Stewart does not provide for the elements of the claim.

The Office Action indicates that “Stewart clearly discloses a wireless AP may send out a signal periodically that is recognizable by the non-authorized PCD. This signal may inform the PCD that a wireless AP is near and offer the MU using that PCD access to the system (column 11, lines 60-65).” Stewart indicates the following:

In another embodiment, a wireless AP 120 may send out a signal periodically that is recognizable by PCD 110, e.g., PDAs, laptop computers, or other mobile user devices. This signal may inform the PCD 110 that a wireless AP 120 is near and offer the MU using that PCD 110 access to the system.

(Stewart, col. 11, lines 60-65) Therefore, what is indicated by this quote is that a wireless access point may periodically send out a signal that is “recognizable by PCD”. With regard to the type of signal, there is an indication that the signal may inform the portable computing device that the access point “is near” and “offer the MU using that PCD 110 access to the system.” However, there is no indication that this signal is a synchronization signal that indicates one of a plurality of modes of operation, with the modes including a private mode of operation and public mode of operation. Further, Stewart does not provide for broadcast of available public network services. An indication that an access point is near and making an offer of access does not present the elements of the claim.

The Office Action then goes on to state that “[i]n response to this signal, the MU’s PCD may be configured to automatically accept an offer of service or the MU’s PCD may be queried as to whether the MU desires services from the AP (column 13, lines 15-25; column 13, lines 50-64).” What is said in Stewart is the following:

If the method determines that service is to be offered to non-registered MUs, the method continues to step 446 where the MU's PCD is queried as to whether the MU desires services from the AP. In one embodiment, a PCD 110 may be configured to automatically accept an offer of service. In this embodiment, a response to the query from the AP is instantly transmitted from the PCD 110, and the method continues to step 450. Alternatively, when a MU receives (on their PCD) an offer of services from an AP, the MU manually selects whether they desire a service and transmit an appropriate response to the AP.

....

A variety of goods, information and service providers 140 may be accessible to registered MUs in step 460. A more limited list of goods, information and service providers 140 may be accessible to non-registered MUs granted temporary access to the system (e.g. via step 450). ...

(Stewart, column 13, lines 15-25 and 50-64) The provisions discuss the possibility of allowing access to a non-registered user. There is again no indication of a plurality of modes.

With regard to the rejection of claim 21, which includes first and second modes of operation, the Office Action cites to the Abstract, Figures 4 and 5, and column 7, line 52 through column 8, line 47 of Stewart. However, none of these provisions contain the elements of the claims presented. The Abstract indicates an intent that is unrelated to the claims, which is to create a geographic based communication service, which includes an access point transmitting PCD identification and geographic information to providers on a network, and then provisions for providing content information that may be selected based on the geographic location.

Figure 4 and the supporting text provides for a different type of operation that does not provide for a plurality of modes of operation. There is no transmission of a

signal indicating a mode of operation and available network services for a public mode of operation. Instead, Stewart provides for a scan for PCDs 410, a detection of a PCD 420, receipt of identification of the PCD 430, a determination whether the PCD is registered 440, and, if not, determinations whether services should be offered 444 and whether services are desired 446. There is no broadcast of the information provided in the claim, regarding mode of operation and available network service, and no separation of modes of operation into public and private modes. Figure 5 provides a very similar scenario, with the PCD transmitting the identification directly to the access point rather than waiting for detection of a PCD.

It is submitted that the arguments presented above also apply to independent claims 16 and 21, and for this reason, among others, these claims are not anticipated by Stewart. The remaining rejected claims are dependent claims and are allowable because they are dependent on the allowable base claims.

It is respectfully noted that the rejection here is solely a rejection under 35 USC § 102 (e), and thus every element of the claim must be found in the cited reference. As shown above, all elements of the claims are not present in Stewart.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge our Deposit Account**

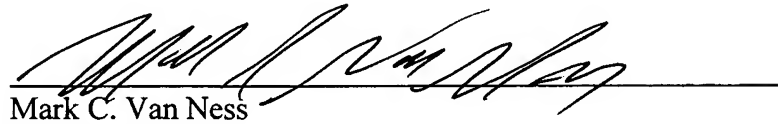
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

2/22/05



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